IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.939 OF 2006

Mohammed Yusuf Shaikh ... Applicant
versus
State of Maharashtra ... Respondent

None for applicant.
Ms.M.M.Deshmukh, APP present.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 30th August 2006

PC :

1. This application through jail was placed before me because the applicant prisoner applied for being released on bail. One of the grounds on which he sought his release on bail, was because of the complaint of diminishing eye sight.

2. The applicant was lodged at Aurther Road Jail because of his eye ailment. In other words, he was brought from Kalyan Jail to Aurther Road jail. He was referred to J.J. Hospital and then to Ophthalmology Department at KEM Hospital. On the last occasion I was informed that he is going to be operated but the surgery could not be

performed for want of consent of relations.

3. In such circumstances, I had to issue directions more particularly set out at para 5 of my order dated 23rd August 2006.

4. Learned APP after taking instructions from the concerned Chief Medical Officer, Bombay Central Prison who is present in the Court, makes a statement that the surgery for the removal of cataract in the eye of the applicant, has been performed and presently the applicant is at KEM Hospital as an indoor patient. She further states that the applicant is admitted under police escort. The relations are also permitted to see him.

5. In such circumstances, insofar as release on account of the eye sight is concerned, I do not see any reason to consider the same after surgery is performed.

6. As far as request of the applicant for being released on bail on other grounds is concerned, he would be at liberty to apply and disposal of present applicant would not either constitute a bar in initiation or prosecution of fresh

application for bail. The application is disposed of.

7. This Court records its appreciation for the efforts taken by learned APP to assist the Court as well as applicant. Copy of report of Medical Officer, Mumbai Central Prison, Mumbai is taken on record.

(S.C.DHARMADHIKARI, J.)